

# Whistleblowing Policy

## ASBESTOS INJURIES COMPENSATION FUND LIMITED (ACN 117 363 461)

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### 1. About this Policy

#### Background

- 1.1 This Whistleblowing Policy (**Policy**) applies to **Asbestos Injuries Compensation Fund Limited (ACN 117 363 461)** and any other related Australian entities, collectively referred to as "AICF".
- 1.2 AICF is committed to detecting and addressing misconduct and ensuring that those who become aware of misconduct can report it without being concerned that it will negatively affect them or their position. This Policy applies to employees and officers of AICF, as well as other eligible persons as set out in clause 2.77 below.
- 1.3 This Policy relates to the protection of those 'speaking-up' about misconduct (also known as 'whistleblowers') and how AICF will respond to reports of misconduct in relation to its Australian operations.
- 1.4 There are specific provisions under Australian legislation which provide whistleblowers with legal rights in relation to certain types of disclosures which are summarised in Annexure A.
- 1.5 This Policy contains a summary of parts of the Whistleblowing Legislation, and for further detail, you should refer to the text of that legislation. This Policy is not intended to override any rights or obligations you may have under the Whistleblowing Legislation.
- 1.6 AICF may amend this Policy from time to time at its discretion.

#### Link between AICF's other policies

- 1.7 This Policy should be read together with the following AICF policies:
  - (a) Mission Statement;
  - (b) Anti-Discrimination, Harassment, Bullying, Victimisation and Grievances Policy (**Grievances Policy**);
  - (c) Document Retention Policy;
  - (d) Employee Privacy Policy; and
  - (e) Privacy Policy - Claims.
- 1.8 To the extent that there are any inconsistencies between this Policy and the policies listed above, this Policy will take priority.

#### Policy Access

- 1.9 A copy of this Policy is accessible to all employees and officers of AICF via AICF's external website: [aicf.org.au](http://aicf.org.au).

## 2. Making a Report

### What matters should be reported?

- 2.1 It is important that AICF is aware of any information which allows it to appropriately manage risks to its employees, customers, property, business and reputation.
- 2.2 If you have reasonable grounds to suspect that you have information concerning:
- (a) misconduct (which includes fraud, negligence, default, breach of trust and breach of duty) or an improper state of affairs or circumstances in relation to AICF or any related body corporate of AICF; or
  - (b) misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of AICF or an associate of AICF (**Tax Disclosures**),

then this is a **disclosable matter** under the Whistleblowing Legislation.

- 2.3 Some examples of conduct which should be reported under this Policy include:
- (a) corrupt, fraudulent or other illegal conduct or activity (including but not limited to theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property);
  - (b) financial irregularities;
  - (c) failure to comply with, or breach of, legal or regulatory requirements; or
  - (d) conduct involving substantial risk to public health and safety, the environment or to the stability of, or confidence in, the financial system (even where that conduct does not involve a breach of a particular law).

Some additional examples of conduct that would be a disclosable matter are included at Annexure A.

- 2.4 AICF expects all employees and officers to report any disclosable matters.

### What matters should not be reported under this Policy?

- 2.5 Personal work-related grievances should not be reported under this Policy and are not protected under the Whistleblowing Legislation. Personal work-related grievances are those that relate to the discloser's current or former employment and have, or tend to have, implications for the discloser personally, but do not:
- (a) have any other significant implications for AICF; or
  - (b) relate to any conduct, or alleged conduct, about a 'disclosable matter'.
- 2.6 Some examples of matters which should not be reported under this Policy include but are not limited to:
- (a) an interpersonal conflict between individual employees;
  - (b) a staff member's dissatisfaction with their pay (unless the staff member's grievance relates to discriminatory conduct);
  - (c) a staff member's dissatisfaction with their performance feedback or results of their annual performance review (unless the staff member's grievance relates to discriminatory conduct); or

- (d) a staff member's failure to receive a promotion on grounds unrelated to discriminating conduct.

### **Who can make a whistleblowing report?**

2.7 The following people are eligible to make reports under this Policy:

- (a) an officer of AICF, which includes directors of the board and the company secretary of AICF;
- (b) an employee of AICF;
- (c) an individual who supplies services or goods to AICF;
- (d) an employee of a supplier of services or goods to AICF;
- (e) an individual who is an associate of AICF (this includes directors and secretaries of both AICF and any related bodies corporate);
- (f) a spouse, child or other relative of an individual listed above;
- (g) a dependant of any individual listed above or of their spouse; or
- (h) someone who was formerly any of the above (e.g. a former employee).

2.8 Under the Whistleblowing Legislation, the persons listed above are all eligible whistleblowers (including in relation to Tax Disclosures).

### **Who to report conduct to**

2.9 Receiving disclosures is a process that requires careful training to ensure whistleblower protections are maintained. Reports can be made confidentially and anonymously at any time to any one or more of the following positions:

- (a) Chief Operations Officer;
- (b) Company Secretary; or
- (c) Chairman

The relevant contact details are as follows.

#### **Chief Operations Officer**

Name: Ms Narreda Grimley  
Telephone: 02 9277 6688  
Email: narreda.grimley@aicf.org.au

#### **Company Secretary**

Name: Mr Peter Janu  
Telephone: 02 9277 6601  
Email: peter.janu@aicf.org.au

#### **Chairman**

Name: Mr Robert Russell  
Telephone: +1 (949) 310 3454  
Email: robert.russell@aicf.org.au

2.10 Whistleblowers are encouraged to directly report any disclosure to the positions set out in section 2.9 above. The making of a report via these methods will mean that it has been made to an eligible recipient under the Whistleblowing Legislation.

2.11 Under the Whistleblowing Legislation, whistleblowers may also report such information to the following additional 'eligible recipients':

- (a) an officer of AICF and related bodies corporate (including senior executives of AICF and the Board);
- (b) an auditor, or a member of an audit team conducting an audit of AICF or any related body corporate of AICF;
- (c) an actuary of AICF or any related body corporate of AICF;
- (d) any person authorised by AICF to take disclosures (being those persons nominated in section 2.9 above); or
- (e) a senior manager (as defined in the *Corporations Act 2001*) of AICF or any related body corporate of AICF. Senior Managers are generally confined to those people who make, or participate in making, significant business decisions of AICF which impact the whole or a substantial part of AICF's business or its financial standing . For the purposes of this Policy, AICF considers its Senior Managers to be the Chief Operations Officer and the Company Secretary.

2.12 Where the information to be reported relates to the tax affairs of AICF or an associate of AICF, whistleblowers are still encouraged to report any disclosure via the methods set out above in section 2.10.

2.13 Additionally, the Whistleblowing Legislation allows whistleblowers to make Tax Disclosures to the following '**eligible recipients**':

- (a) a registered tax agent or Business Activity Statement (**BAS**) agent who provides tax agent services or BAS services to AICF;
- (b) a senior manager of AICF as described above in section 2.11(e);
- (c) any other employee or officer (within the meaning of the *Corporations Act 2001* (Cth)) of AICF who has functions or duties that relate to the tax affairs of AICF.

2.14 Under the Whistleblowing Legislation, whistleblowers may also report disclosable matters to:

- (a) the Australian Securities and Investments Commissions (ASIC);
- (b) the Australian Prudential Regulation Authority (APRA);
- (c) in relation to Tax Disclosures, the Commissioner of Taxation (ATO); or
- (d) any other prescribed Commonwealth authority or regulator.

2.15 However, if a whistleblowing report is made to one of these regulators AICF will not automatically become aware of that report and therefore may not be able to respond to it in accordance with this Policy.

2.16 A report will also qualify for protection where an eligible whistleblower makes a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the Whistleblowing Legislation, even in circumstances where the legal practitioner concludes that a disclosure does not relate to a 'disclosable matter'.

2.17 A whistleblower can obtain additional information about making a disclosure, including which Policy to make a disclosure under, by contacting the Chief Operations Officer, Company Secretary.

## How to make a disclosure

- 2.18 Disclosures are most useful when they include key information that offers actionable insight. Disclosures should include as much of the following information as possible if known by the person reporting the misconduct:
- (a) What occurred – describe the act that is suspected or has been witnessed. It is useful to also describe what should have happened, so the report taker is clear about the nature of misconduct being described. Report what occurred; the sequence of events leading up to witnessing the act; steps observed and any actions taken to confirm suspicions or observations.
  - (b) How the misconduct arose – describe any factors that may have enabled the misconduct or contributed to the misconduct going undetected, being concealed or being previously unidentified.
  - (c) Where the misconduct occurred – the physical location/address where the misconduct occurred, the work location of those perpetrating the misconduct or the location where the misconduct was observed.
  - (d) When the misconduct occurred – key dates of actions suspected or observed relating to the misconduct being disclosed. If a series of events occurred, offer these in chronological order if possible.
  - (e) Who was involved – offer names and job titles of those associated with the misconduct if known or information that may help identify those that may have been associated with the misconduct. Also offer names of others that may have witnessed or played a role in the acts being reported.

## Anonymous disclosures

- 2.19 Whistleblowers are able to make an anonymous disclosure and still be entitled to the protections set out in this Policy and under the Whistleblowing Legislation if the other requirements for making the disclosure are complied with. Whistleblowers can remain anonymous over the course of the investigation and after any investigation has been finalised. A whistleblower may refuse to answer questions that they feel could reveal their identity during follow-up conversations.
- 2.20 However, if the whistleblower's identity is not provided when making a whistleblowing report this:
- (a) may prevent AICF from re-contacting the whistleblower confidentially to clarify or confirm information supplied;
  - (b) may impact on AICF's ability to proceed with investigation - if there are gaps in information supplied that cannot be clarified directly in confidence with a whistleblower;
  - (c) will prevent AICF from updating the whistleblower on AICF's efforts taken in response to their disclosure; and
  - (d) may affect AICF's ability to take steps to protect the whistleblower from detriment.
- 2.21 Whistleblowers who make anonymous reports are encouraged to maintain ongoing two-way communication with AICF so that AICF, where appropriate, can ask follow-up questions and/or provide feedback.
- 2.22 Even if a whistleblower does not make the report on an anonymous basis the person receiving the report is not permitted to reveal the identity of the whistleblower, or information that is likely to lead to the identification of the whistleblower, except in certain circumstances as set out in section 5 below.

## **Disclosures outside of AICF**

- 2.23 Generally only reports that are made to the recipients set out in this Policy will ensure protections are afforded to the whistleblower making the report. Making reports to others outside of AICF, except to those set out in sections 2.14 and 2.16, will not obtain the protection of the Whistleblowing Legislation or any other protections provided by this Policy. This is because it is important to ensure that confidential information belonging to AICF is not disclosed outside of AICF.
- 2.24 There are two categories of disclosure that a whistleblower may make to a journalist or a Member of Parliament and still obtain the protections of the Whistleblowing Legislation. These are called Public Interest Disclosures and Emergency Disclosures and further details are contained in Annexure A.
- 2.25 UNLESS A DISCLOSURE IS A PUBLIC INTEREST DISCLOSURE OR AN EMERGENCY DISCLOSURE, SPEAKING TO A JOURNALIST OR A MEMBER OF PARLIAMENT ABOUT CONFIDENTIAL INFORMATION IN RELATION TO AICF WITHOUT AUTHORISATION IS NOT PERMITTED AND MAY BE A DISCIPLINARY OFFENCE.

## **3. Handling of reports**

### **Investigation of Reports**

- 3.1 All reported disclosures will be reviewed, and where AICF deems appropriate will be investigated at the earliest opportunity. AICF will endeavour to make any findings promptly. The way a disclosure is managed depends on what it involves and will be dealt with on a case by case basis. AICF will generally assess each disclosure to determine if it qualifies for protection and whether an investigation is required.
- 3.2 Investigations will be subject to the confidentiality and other protections set out under this Policy and will be undertaken by the appropriate person, in and/or outside AICF, depending on the nature of the investigation.
- 3.3 In order to assist ensure that any investigations and actions undertaken are fair and unbiased, it may be necessary for AICF to:
- (a) obtain specialist, independent advice including trained investigation staff from either inside AICF or refer the matter confidentially to a third-party investigation firm, if deemed appropriate having regard to the nature of the disclosable matter(s);
  - (b) appoint a person to assist in the investigation of a matter which is the subject of a disclosure; or
  - (c) refer the matter to the police or law enforcement where disclosures refer to, or include, criminal behaviour.
- 3.4 In the conduct of an investigation, AICF may proceed as follows:
- (a) determine the nature and scope of the investigation;
  - (b) speak to anyone who may be affected or involved in the disclosure so that they are provided with the opportunity to respond to the allegation(s);
  - (c) consider these responses; and
  - (d) speak to witnesses (where there is a dispute as to the facts surrounding the allegations).
- 3.5 The findings of any investigation into a disclosure (together with any remediation action plan) will be subject to the confidentiality obligations set out in this Policy. The method for documenting and reporting

the findings will depend on the nature of the disclosure. In most cases, a final investigation report will be provided to the Board. Where necessary, any final investigation report may be redacted to protect the whistleblower's identity or information that may identify the whistleblower.

### **Personal Interests**

- 3.6 A whistleblower is encouraged to reveal, at the outset, any personal interest or involvement they may have in the matter. A failure to disclose any personal interests will not prevent the reported disclosure being investigated pursuant to this Policy.

### **Fair treatment of employees that are the subject of a disclosure**

- 3.7 AICF is also committed to ensuring the fair treatment of employees and other persons engaged by AICF who are mentioned in reports of disclosable matters, or to whom such disclosures relate. Fair treatment of those persons implicated in a misconduct disclosure may include but is not limited to:
- (a) the opportunity to be 'heard' on, and respond to the allegations as against them before any adverse findings are made against them;
  - (b) the opportunity to have their responses considered by AICF and, in appropriate circumstances, investigated; and
  - (c) where appropriate, advising the implicated person prior to any actions being taken (e.g. the commencement of any investigation).
- 3.8 During any investigation into a report of disclosable matters, AICF will endeavour to ensure the fair treatment of employees, officers and others engaged by AICF who are implicated in the report until such investigation has concluded and claims have been proven or dismissed. Employees, officers and others engaged by AICF should raise any suspected adverse or detrimental treatment in this regard to the Chief Operations Officer or Company Secretary so that these matters may be addressed.
- 3.9 AICF will endeavour to respond promptly to any complaints raised by parties who are the subject of a disclosure where such party has concerns about unfair treatment in the context of assessment of, and investigation into the disclosable matter.

### **Providing updates to those making misconduct disclosures**

- 3.10 AICF will, where appropriate, provide the whistleblower with updates at various stages of any investigation into the disclosure. Any updates supplied to a whistleblower may need to be limited in order to also preserve the confidentiality of an investigation and the privacy of those potentially affiliated, named, implicated or associated with the matters disclosed. The frequency and detail of any updates supplied (where appropriate), and the initiation or resolution of any potential subsequent investigation, may vary according to the matters reported and the context of the misconduct disclosed. Any updates will be provided to the whistleblower by the Chief Operations Officer or Company Secretary.
- 3.11 AICF will, where appropriate, advise the whistleblower of the conclusion of any investigation and may provide the whistleblower with details of the outcomes of that investigation. Where claims cannot be substantiated, and the whistleblower's identity is known – AICF reserves the right to deem a disclosure closed and notify the whistleblower accordingly.

## **Whistleblower involvement after disclosure**

- 3.12 Any whistleblowers who reveal their identity may be asked to participate in subsequent confidential interview(s) in relation to the claims made in the disclosure including to clarify facts supplied in order to proceed with further investigation.
- 3.13 There will be no adverse consequences for a whistleblower if they choose to suspend cooperation or if following investigation, a disclosure they made on reasonable grounds could not be substantiated. If a whistleblower believes that they are being adversely treated in these instances, they should report their concerns via the methods set out in section 2.9 above.

## **Proven misconduct**

- 3.14 AICF reserves the right to institute performance management or take other disciplinary action, including termination of employment or engagement, in relation to those found to have committed corporate misconduct.
- 3.15 AICF also reserves the right to refer matters to law enforcement or regulatory bodies at any time should the misconduct in AICF's reasonable opinion warrant such a referral.

## **4. False Reports**

### **Consequences for knowingly making false or vexatious reports**

- 4.1 Whistleblowers must have reasonable grounds for the claims made in their disclosures. However, a whistleblower is not required to prove their allegations and can still qualify for protection even if their disclosure turns out to be incorrect.
- 4.2 Where it is shown that a person making a report has made malicious, intentionally false or vexatious allegations of improper conduct, then the making of that report will be considered a serious matter and may render the person concerned subject to disciplinary action which may include demotion, suspension or termination of employment or engagement. However no action will be taken against an employee or other person who makes a report, based on reasonable grounds to suspect misconduct or an improper state of affairs, which is not substantiated in a subsequent investigation.

## **5. Protection and Support of Whistleblowers**

### **Protecting confidentiality**

- 5.1 You may choose to make a report on an anonymous basis, however, there are a number of advantages in connection with the investigation process if you disclose your identity.
- 5.2 If you do disclose your identity and you are an 'eligible whistleblower' as defined in section 2.7 above who is making a disclosure protected by the Whistleblowing Legislation via the methods set out in section 2.9 above or to other 'eligible recipients', the recipient has an obligation to keep your identity confidential. This includes keeping confidential information which could lead to the disclosure of your identity.
- 5.3 AICF has the legal right to share a whistleblower's identity if reasonably necessary to refer an incident to authorities (such as ASIC, APRA and the Australian Federal Police (AFP) or other prescribed body) who may wish to pursue the matter.
- 5.4 Under the Whistleblowing Legislation, it is also permissible to:

- (a) disclose information regarding the suspected or actual wrongdoing disclosed without revealing the whistleblower's identity or information that is likely to lead to the identification of the whistleblower;
- (b) disclose information other than the whistleblower's identity if it is reasonably necessary for the purposes of the investigation and all reasonable steps are taken to reduce the risk that the whistleblower will be identified;
- (c) disclose the identity of a whistleblower, or information likely to lead to his or her identification to a legal practitioner for the purposes of obtaining legal advice or representation in relation to the disclosure; or
- (d) disclose the identity of a whistleblower where such disclosure is made with the consent of the whistleblower.

5.5 In order to allow for a proper investigation of the matter, and to provide support to the whistleblower, the recipient of your disclosure may ask you to consent to the disclosure of your identity to specific individuals, such as:

- (a) the Chief Operations Officer or Chairman; and
- (b) any other persons reasonably necessary for the purposes of investigating matters the subject of your disclosure.

5.6 To ensure the confidentiality of a whistleblower's identity, AICF will take reasonable steps to ensure:

- (a) all personal information or reference to the whistleblower witnessing an event is redacted;
- (b) the whistleblower is referred to in a gender-neutral context;
- (c) where possible, the whistleblower is contacted to help identify certain aspects of their disclosure that could inadvertently identify them; and
- (d) disclosures are handled and investigated by qualified staff.

5.7 If you are the recipient of a report from a whistleblower relating to a disclosable matter, you must not reveal the identity, or information that is likely to lead to identification, of the whistleblower without the written consent of the whistleblower or without express permission from the Company Secretary (or if the matter relates to the Company Secretary, another eligible recipient), who will confirm the requirements to be able to disclose have been met and may seek external legal advice prior to providing such permission.

5.8 Any information released in breach of this Policy will be treated seriously and may result in disciplinary action, including dismissal. A breach of this Policy may in certain circumstances also result in criminal sanctions. Whistleblowers should report any suspected or actual breaches of confidentiality to the Chief Operations Officer or Company Secretary.

### **General protections**

5.9 AICF is committed to protecting and respecting the rights of whistleblowers. AICF will not tolerate any detriment caused, or threatened to be caused against any person who has made, or who is believed or suspected to have made, a report regarding disclosable matters. Under the Whistleblowing Legislation, 'detriment' is defined to include, without limitation, any of the following:

- (a) dismissal;

- (b) injuring an employee in their employment, (e.g. not giving an employee legal entitlements such as pay or leave);
- (c) changing an employee's job to their disadvantage;
- (d) offering a potential employee different (and unfair) terms and conditions for the job, compared to other employees;
- (e) discriminating between employees to the disadvantage of a whistleblower;
- (f) harassment or intimidation of a person;
- (g) harm or injury to a person, including psychological harm;
- (h) not hiring someone because they have been a whistleblower;
- (i) damage to a person's property, reputation, business or financial position; or
- (j) any other damage to a person.

5.10 Any victimisation, retaliation or detriment caused or threatened to be caused in reprisal for a report regarding disclosable matters being made under this Policy will be treated as misconduct and may result in disciplinary action including dismissal or termination of engagement. If you experience or discover any such detrimental conduct, or potential conduct, you should report it immediately via the methods set out in section 2.9 of this Policy.

5.11 Where appropriate, to protect a whistleblower from the risk of detriment, AICF may:

- (a) conduct a risk assessment of the whistleblower, and any other staff that might be suspected of having made a disclosure;
- (b) allow a whistleblower to perform their duties from another location;
- (c) reassign the whistleblower to another role (at the same level);
- (d) make modifications to the whistleblower's workplace or the way work duties are carried out; or
- (e) reassign or relocate other staff involved in the disclosable matter.

5.12 Where detriment has occurred, AICF will investigate and address the detrimental conduct, including by taking any appropriate disciplinary action. AICF may also:

- (a) allow the whistleblower to take extended leave;
- (b) develop an alternative career development plan for the whistleblower, including new training and career opportunities; or
- (c) discuss other potential remedies with the whistleblower who has been subject to the detriment.

5.13 If you experience or discover any such detrimental conduct, or potential conduct, you should report it immediately via the methods set out in section 2.9 above. AICF will investigate any complaint of detriment to a whistleblower as a separate matter. That matter will be investigated by an officer who is not involved in the investigation of any relevant disclosure(s) and the investigation findings will be provided to the Board.

## **Support of whistleblowers**

- 5.14 AICF firmly believes that those who reasonably suspect or witness misconduct should be able to report their suspicions with the confidence that they will be supported, and not punished or discriminated against for making a disclosure.
- 5.15 Whistleblowers are encouraged to raise any concerns arising out of a disclosure (or anticipated disclosure) or any subsequent investigation process via the methods set out in section 2.9 above.

## **Criminal or civil liability**

- 5.16 Whistleblowers who make a Qualifying Disclosure will not be subject to any civil liability (e.g. breaching a duty of confidence), criminal liability (e.g. prosecution for unlawfully releasing information) or administrative liability (e.g. disciplinary action) for making the disclosure. No contractual or other remedy may be enforced against them on the basis of their disclosure.
- 5.17 There is no immunity from any action in relation to misconduct that the whistleblower was involved in, but Qualifying Disclosures will be inadmissible in relation to any such proceedings.
- 5.18 The whistleblower is not protected from civil or criminal liability for any of his or her conduct which may be revealed by the report. However, if a whistleblower reports such conduct and actively cooperates in an investigation in which they may be implicated, the fact they have made a report may be taken into account as a mitigating factor when determining actions which may be taken against them.

## **6. Training**

- 6.1 AICF may from time to time conduct training for employees in relation to this policy, including those persons who are eligible to receive whistleblowing reports.

## **7. Review of Policy**

- 7.1 AICF will review this Policy every two years to ensure that it is operating effectively.

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Chief Operations Officer

**Asbestos Injuries Compensation Fund Limited**

Last Reviewed November 2021

## Annexure A

### Additional information about the Whistleblowing Legislation

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#### 1. Whistleblowing Legislation

The protections under the Whistleblowing Legislation only apply to certain types of disclosures, known as Qualifying Disclosures. Although this Policy contains a summary of the relevant sections of those laws you should refer to the law itself for more information.

For AICF, the relevant legislation is the Corporations Act 2001 (Cth) (sections 1317AA to 1317AK) and the Taxation Administration Act 1953 (Cth) (sections 14ZZT to 14ZZZE) (the Whistleblowing Legislation). The protections under the Whistleblowing Legislation only apply to certain types of disclosures, known as Qualifying Disclosures. To assist our staff to understand when those statutory protections are available, additional information about the Whistleblowing Legislation is set out in this Annexure and we have identified in this Policy where there are specific requirements under the Whistleblowing Legislation for a report to be a Qualifying Disclosure.

This Policy contains a summary of parts of the Whistleblowing Legislation, and for further detail, you should refer to the text of that legislation. This Policy is not intended to override any rights or obligations you may have under the Whistleblowing Legislation.

If a whistleblower makes a Qualifying Disclosure (the requirements for which are summarised below), they will be entitled to protections under the Whistleblowing Legislation.

#### 2. Qualifying Disclosures

For a 'Qualifying Disclosure' to be made, a whistleblower must:

- (a) be an 'eligible whistleblower'. A list of eligible whistleblowers for AICF is set out in section 2.7 of this Policy;
- (b) be reporting on a 'disclosable matter'. A 'disclosable matter' are those matters described in section 2.2 of this Policy;
- (c) report that disclosable matter to an 'eligible recipient'. A list of eligible recipients for AICF is set out in sections 2.9, 2.11, 2.13 and 2.14 of this Policy.

#### 3. Additional Examples of Disclosable Matters

The following are some examples of conduct that would be 'disclosable matters' if you had reasonable grounds to suspect they had occurred:

- (a) an offence against or a contravention of the Corporations Act 2001 (Cth) or the Australian Securities and Investments Commission Act 2001 (Cth). This would include conduct such as misleading and deceptive conduct, insider dealing and market manipulation; or
- (b) an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more. This would include conduct such as bribery of a Commonwealth Public Official; or
- (c) conduct that represents a danger to the public or the financial system.

In relation to Tax Disclosures, the whistleblower must have information relating to misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of AICF or an associate of AICF. The whistleblower must consider that the information they possess may assist the eligible recipient to perform functions or duties in relation to the tax affairs of AICF or an associate of AICF.

Personal work-related grievances should not be reported under this Policy. However, in some circumstances, a personal work-related grievance may amount to a disclosable matter. For example, this may occur where:

- (a) a personal work-related grievance includes information about misconduct;
- (b) the disclosure relates to the breach of employment or other laws punishable by imprisonment for a period of 12 months or more;
- (c) the personal work-related grievance suggests misconduct beyond the whistleblower's personal circumstances;
- (d) the whistleblower suffers from or is threatened with detriment for making a disclosure; or
- (e) the whistleblower seeks legal advice or legal representation about the operation of the Whistleblowing Legislation.

#### **4. Public Interest and Emergency Disclosures**

Under the Whistleblowing Legislation there are two categories of protected disclosures which will protect whistleblowers who report to a journalist or a Member of Parliament. Except for these protected disclosures, disclosures to journalists or parliamentarians are not permitted unless expressly authorised by the Chief Operations Officer or Company Secretary.

A whistleblower should contact an independent legal adviser before making a public interest disclosure or an emergency disclosure.

Public Interest Disclosure - this category allows a whistleblower to make a disclosure to a journalist or parliamentarian if:

- (a) the whistleblower has previously made a disclosure to ASIC, APRA or any other prescribed Commonwealth authority;
- (b) at least 90 days have passed since the disclosure was made to ASIC, APRA or any other prescribed Commonwealth authority;
- (c) the whistleblower does not have reasonable grounds to believe that action is being taken to address the matters to which the previous disclosure related;
- (d) the whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest; and
- (e) following the end of the 90 day period, the whistleblower gives the body to which the previous disclosure was made a written notification that includes sufficient information to identify the previous disclosure and states that the whistleblower intends to make a public interest disclosure.

Emergency Disclosure - this category allows a whistleblower to make a disclosure to a journalist or a parliamentarian if:

- (a) the whistleblower has previously made a disclosure to ASIC, APRA or any other prescribed Commonwealth authority;
- (b) the whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment; and
- (c) the whistleblower gives the body to which the previous disclosure was made a written notification that includes sufficient information to identify the previous disclosure and states that the whistleblower intends to make an emergency disclosure.

For both Public Interest and Emergency Disclosures, the extent of the information disclosed must be no greater than is necessary to appropriately inform the recipient of the relevant misconduct or substantial imminent danger.

## **5. Additional Protections & Penalties**

Under the Whistleblowing Legislation, a person may bring civil proceedings for a compensation order or pursue civil penalties even when a criminal prosecution has not been, or cannot be, pursued. This may include circumstances in which a whistleblower (or any other person) has suffered loss, damage or injury and AICF has failed to prevent a person from causing the detriment.

Whistleblowers should seek independent legal advice if they believe they are entitled to compensation or other relief under the Whistleblowing Legislation.